

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 257

Introduced by Assembly Member Adams

February 11, 2009

An act to ~~amend Section 18403~~ add Chapter 5.5 (commencing with Section 17401) to Division 17 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 257, as amended, Adams. Elections: ~~ballot handling~~ election incidences and irregularities.

Existing law prohibits the corruption of the voting process, as prescribed.

This bill would require a county elections official to report to the Secretary of State, not later than 30 days following the official canvass for a statewide election, all election incidences and irregularities that occur during the preparation for and conduct of the statewide election or during the official canvass for the statewide election. The bill would define "election incidences and irregularities" to include, but not be limited to, documented complaints or reports of voter fraud; documented complaints or reports of voter intimidation; documented complaints or reports of the failure, malfunction, or improper usage or operation of an electronic voting machine or paper ballot; or documented complaints or reports of incidents resulting in voter disenfranchisement.

Because the bill would require a higher level of service from a county elections official, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law prohibits any person other than an election official from receiving, soliciting, or examining a voted ballot from a voter, unless a specified exception applies.~~

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.5 (commencing with Section 17401)
2 is added to Division 17 of the Elections Code, to read:

3
4 CHAPTER 5.5. STATEWIDE ELECTION INCIDENCES AND
5 IRREGULARITIES

6
7 17401. (a) A county elections official shall report to the
8 Secretary of State all election incidences and irregularities that
9 occur during the preparation and conduct of a statewide election
10 or during the official canvass for the statewide election.

11 (b) For purposes of this section, "election incidences and
12 irregularities" includes, but is not limited to, documented
13 complaints or reports of voter fraud; documented complaints or
14 reports of voter intimidation; documented complaints or reports
15 of the failure, malfunction, or improper usage or operation of
16 either an electronic voting machine or a paper ballot, whether
17 cast by vote by mail or at a polling place; or documented
18 complaints or reports of incidents resulting in voter
19 disenfranchisement.

20 (c) The report required by this section shall be submitted to the
21 Secretary of State not later than 30 days following the official
22 canvass for the statewide election.

23 (d) Nothing in this section shall inhibit the ability of a county
24 elections official or his or her staff from providing communications
25 regarding election incidences and irregularities to the Secretary

1 of State in a more timely or frequent manner than that required
2 by subdivision (c).

3 (e) In complying with this section, a report by a county elections
4 official shall be submitted to the Secretary of State on a form which
5 shall be created and approved by the Secretary of State. A county
6 elections official shall submit his or her report to the Secretary of
7 State in both written and electronic form.

8 (f) The Secretary of State shall review the report submitted by
9 the county elections official pursuant to this section and may take
10 action that the Secretary of State deems appropriate with available
11 existing funds.

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

17 SECTION 1. Section 18403 of the Elections Code is amended
18 to read:

19 18403. Any person other than an elections official or a member
20 of the precinct board who receives a voted ballot from a voter or
21 who examines or solicits a voter to show his or her voted ballot is
22 punishable by a fine not exceeding ten thousand dollars (\$10,000),
23 by imprisonment in the state prison for 16 months or two or three
24 years or in a county jail not exceeding one year, or by both the
25 fine and imprisonment. This section shall not apply to persons
26 returning a vote by mail ballot pursuant to Section 3017 or 3021
27 or persons assisting a voter pursuant to Section 14282.